

MINUTES – SEPTEMBER 7, 2004

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Tuesday, September 7, 2004. Members present: Mel O. Battle, Chairman, Larry G. Hamlett, Vice-Chairman, Jack W. Hooper, Cathy W. Lucas, Kenneth D. Travis, and George W. Ward, Jr. Absent: Nathaniel Hall. Also present: Jeffrey H. Earp, County Manager, Robert V. Shaver, Jr., County Attorney, Gordon Bendall representing The Caswell Messenger, and Lauren Chestnut representing The Danville Register & Bee. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Battle opened the meeting with a Moment of Silent Prayer. Chairman Battle asked that former Commissioner C. B. Rowland, who recently passed away, be remembered in Silent Prayer.

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Hamlett to approve the agenda as presented. The motion carried unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Hamlett moved, seconded by Commissioner Travis to approve the Consent Agenda as presented. The motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of June 21, 22, 24, and 28, 2004 Meetings
- 2) Monthly Tax Report for July, 2004

Total Amount of Taxes Collected	\$129,158.33
Tax Maps/Cards	\$ 132.25
County Maps	\$ 65.00
Beer License	\$ 100.00
Wine License	\$ 55.00
2004 Tax Prepayments	\$ 8,312.75
(Real and personal property; Not vehicles-Not yet billed)	
NSF Charge	\$ 52.43
- 3) Monthly EMS Billing Report for July, 2004

Total Billed	\$ 33,533.00
Total Collected	\$ 20,650.07
Total Claims Filed with Medicare	23
Total Claims Filed with Medicaid	16

Total Adjusted Private Pay	\$ 297.00
Total Adjusted Medicare/Medicaid	\$ 8,962.62

PUBLIC COMMENTS

Chairman Battle opened the floor for public comments.

Mr. Melvin Butler, of the Cherry Grove community and Planning Board Chairman came before the Board and stated that he has been keeping everyone abreast of what they are doing as far as the possibility of zoning Caswell County. Mr. Butler added that it was discussed in the Planning Board meetings that the best avenue to take would be to know where they want to go, and to get there, first they had to know where they were. Mr. Butler informed the Board that in order to do this it was the consensus of the Planning Board to have maps drawn of the County identifying all of the structures, whether it be residential, commercial, etc. Mr. Butler noted that these maps would be available for review at the first meeting in October and the next Planning Board meeting.

Commissioner Lucas asked who prepared the maps and Mr. Butler answered that the NC Department of Commerce prepared the maps. Commissioner Lucas asked if the maps represent current use. Mr. Butler answered that the maps do represent current use.

Commissioner Hamlett commended Mr. Butler and the Planning Board for the job that they are doing.

Mr. Butler stated that they are moving as swiftly as possible on this project and the NC Department of Commerce is helping them with this.

Commissioner Lucas stated that she read in the Planning Board's minutes that the Planning Board agreed that for future zoning purposes they would utilize current use rather than a future use zoning plan. Commissioner Lucas asked if the current use of property is how it would be zoned in the future. Mr. Butler stated that this is not necessarily so, this is the starting point, but it would be up to the people as to how they want it zoned for the future.

Mr. Mike Ingle, Branch Manager, Waste Industries, came before the Board and read and submitted the following letter.

September 7, 2004

Mr. Mel O. Battle
Honorable Chairman
Caswell County Commissioners
PO Box 98
Yanceyville, NC 27379

Dear Chairman Battle:

On behalf of Waste Industries, Inc., I appreciate the time and courtesy extended to me to address the Caswell County Commissioners tonight. The purpose is a statement of facts as it pertains and relates to the events leading up to the award of the Solid Waste Collection, Transportation and Disposal Contract of Caswell County's Nine Convenience Centers. First, I would like to publicly commend several members of Caswell County staff for their professionalism, helpfulness, and responsiveness over the last several months; they are as follows: County Manager, Jeff Earp, Solid Waste Director, Tim Smith, and County Attorney, Bob Shaver. It has truly been a pleasure to deal with these individuals and Caswell County is fortunate to have them on their team, as they are a definite asset to the Community.

FACTS:

- April 30, 2004 – Request for proposal for solid waste collection, transportation and disposal for Caswell County's nine convenience centers submitted by Waste Industries.
- April 30, 2004 – Bid results as follows (low bid for individual service highlighted in bold) for hauling and disposal:

<u>Site</u>	<u>Waste Industries</u>	<u>Waste Management</u>	<u>First Piedmont</u>	<u>Republic Waste</u>
Anderson	\$159.09 ea	\$209.64 ea	\$189.93 ea	NO BID
Casville	\$160.57 ea	\$181.61 ea	\$175.43 ea	NO BID
Cherry Grove	\$184.36 ea	\$201.81 ea	\$212.64 ea	NO BID
LF Comp.	\$130.84 ea	\$142.60 ea	\$150.71 ea	NO BID
LF Open Top	\$118.94 ea	\$118.69 ea	\$150.71 ea	NO BID
Leasburg	\$ 90.69 ea	\$119.79 ea	\$117.67 ea	NO BID
Milton	\$111.51 ea	\$130.72 ea	\$139.36 ea	NO BID
Pelham	\$179.90 ea	\$189.59 ea	\$195.04 ea	NO BID
Prospect Hill	\$105.56 ea	\$ 88.13 ea	\$181.91 ea	NO BID
Providence	\$144.22 ea	\$181.25 ea	\$174.45 ea	NO BID
Disposal	\$ 26.59 ton	\$ 28.96 ton	\$ 28.96 ton	NO BID

- Based upon information provided by Caswell County in the RFP (attached Table A) on site activity from May 1, 2003, through August 31, 2003, monthly hauling and disposal costs are as follows (low bid highlighted in bold):

	<u>Waste Industries</u>	<u>Waste Management</u>	<u>First Piedmont</u>	<u>Republic Waste</u>
Monthly Hauling	\$13,163.70	\$14,405.90	\$16,190.13	NO BID

Monthly Disposal	\$17,332.96	\$18,877.87	\$18,877.87	NO BID
Total Cost Monthly	\$30,496.66	\$33,283.77	\$35,068.00	NO BID

- Based on total monthly costs, Waste Industries is clearly the low bidder; Waste Industries is:
 - \$2787.11 per month, \$33,445.32 per year, \$100,335.96 per contract term less than the second low bid of Waste Management
 - \$4571.34 per month, \$54,856.08 per year, \$164,568.24 per contract term less than the highest bid of First Piedmont
- Schedule of Significant Events:
 - April 30, 2004 – Waste Industries responds to the Request for Proposal
 - May 27, 2004 – Waste Industries meets with the County Manager to clarify items in the RFP
 - June 7, 2004 - Caswell County staff makes a recommendation to Council on behalf of Waste Industries
 - June 21, 2004 – Council tables the award of the solid waste contract to allow for further discussion
 - June 22, 2004 – A consensus among Council to accept the low bid of Waste Industries was discussed during a budget session
 - August 2, 2004 - Council instructed the County Attorney to work out legal language and finalize contract with Waste Industries
 - August 6, 2004 – Contract details worked out and finalized between Waste Industries and County Attorney
 - August 16, 2004 – Solid waste contract was awarded to First Piedmont Corporation

Based upon the facts as presented, Waste Industries respectfully requests that Caswell County rescind its decision to award the solid waste contract to First Piedmont Corporation and award it to the Lowest Qualified Bidder – Waste Industries, Inc.

Sincerely,

S/Michael T. Ingle

Michael T. Ingle
Branch Manager

Upon questioning from Chairman Battle, Mr. Ingle clarified that his figures were derived from averages he received from the Solid Waste Director.

RENEWAL OF CABLE TELEVISION FRANCHISE AGREEMENT

Mr. Jeff Earp, County Manager, reported that Mr. Dave Harris, Cable Television Administrator with the Piedmont Triad Council of Governments, came before the Board at its last meeting to request that the County extend the current franchise agreement to Adelphia Cable for a period of one year. Mr. Earp stated that the Board voted at its last meeting to approve Mr. Harris' request and the proper documentation is before the Board tonight to extend the franchise agreement. After further discussion, Chairman Battle moved, seconded by Commissioner Travis to adopt the following *Ordinance Extending the Term of the Cable Television Franchise Agreement Between the County of Caswell, North Carolina and Three Rivers Cable Associates, L.P., D/B/A Adelphia Cable Communications*. The motion carried unanimously.

ORDINANCE NO. 55

AN ORDINANCE EXTENDING THE TERM OF THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE COUNTY OF CASWELL, NORTH CAROLINA AND THREE RIVERS CABLE ASSOCIATES, L.P., D/B/A ADELPHIA CABLE COMMUNICATIONS

WHEREAS, the County of Caswell ("County") and Three Rivers Cable Associates, L.P., d/b/a Adelphia Cable Communications ("Grantor") entered into a cable television franchise agreement which expired on August 2, 2004; and

WHEREAS, the County and Grantor mutually agree to extend the current Cable Television Franchise Agreement effective August 2, 1994 between the County of Caswell, North Carolina ("Grantor") and Three Rivers Cable Associates, L.P., d/b/a Adelphia Cable Communications ("Grantee")(the "Franchise"), through August 2, 2005 or until such time as the parties enter into a renewal franchise agreement. During said extension, the terms and conditions of the current Franchise shall remain in full force and effect; and

WHEREAS, the County and Grantor hereby reserve all rights under applicable provisions of the Cable Act, including Sections 626 and 635. Nothing herein shall be deemed or construed as a waiver, release, or surrender of any right that either party may have under the Cable Act or any applicable law; and

WHEREAS, execution of this extension shall neither constitute an assumption or rejection by Grantee of the original Franchise nor a waiver of Grantee's rights respecting the Franchise, including, without limitation, all of Franchisee's rights under Section 365 of the Bankruptcy Code, 11 U.S.C. Section 365.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS THAT:

The term of the Cable Television Franchise Agreement between the County and Three Rivers Cable Associates, L.P., d/b/a Adelphia Cable Communications is extended through August 2, 2005.

ADOPTED THIS THE 7TH DAY OF SEPTEMBER, 2004, after having been read and adopted at two regularly scheduled meetings of August 16, 2004, and September 7, 2004.

County of Caswell

ATTEST: County Seal

S/M. O. Battle
M. O. Battle, Chairman

Wanda P. Smith
Wanda P. Smith, Clerk to the Board

SOLID WASTE CONTRACT

Mr. Robert V. Shaver, Jr., County Attorney, reported that at the Board's August 16, 2004 meeting, he was instructed to prepare a solid waste contract with First Piedmont Corporation. Mr. Shaver stated that he has prepared the contract and it is basically in the same form as the last contract put before them, wherein all of the haul rates, disposal rates, etc. are in the contract itself as one document. Chairman Battle asked if #6, Additional Equipment Provided, in the contract was a part of the RFP. Mr. Shaver answered that this was not a part of the RFP, but was something that First Piedmont Corporation included in their response to the RFP. Chairman Battle stated that he thought if this is to be included in the contract, the wording needed to be changed to reflect "if" the Board chooses to designate additional sites. Mr. Shaver noted that this was not a part of the RFP and does not need to be a part of the contract and it refers to two convenience centers that do not currently exist, but only if the County decided to add more sites. Chairman Battle stated that he did not think that this needed to be a part of the contract since the County has not decided to designate additional sites. Commissioner Travis stated that if one contractor is going to put in more compactors, then everyone should have been able to bid on additional compactors.

After review and discussion of the contract, Commissioner Hamlett recommended that the contract include the wording, "if and when the County decides to open additional sites". Commissioner Lucas recommended that the contract also include the wording, "or opts to utilize the containers as replacements".

Chairman Battle stated that the Board of Commissioners are stewards of the taxpayers' money and over the life of this contract the difference in Waste Industries and First Piedmont Corporation's bids is approximately \$114,000. Chairman Battle added that this is a concern to him.

After considerable discussion, Commissioner Lucas moved, seconded by Commissioner Ward to approve the solid waste contract with First Piedmont Corporation, with the recommended changes as noted.

Commissioner Travis stated that he did not see why the County put out an RFP if the Board is not going to award the contract to the low bidder.

Upon a vote of the motion, the motion was defeated by a tied vote of three to three with Commissioners Battle, Hooper, and Travis voting no.

Ms. Cyril Sellers, representing First Piedmont Corporation, stated that they would continue to provide services to Caswell County until the award of a new solid waste contract as requested.

EXTENSION OF WATER SERVICE TO THE PROSPECT HILL COMMUNITY

Mr. Jeff Earp, County Manager, reported that after an article that was published in The Caswell Messenger on August 25, 2004, in which Mayor Printz stated that the Town of Yanceyville was willing to work with Caswell County on a project to extend a waterline to Prospect Hill, regardless of the status of the lawsuit, he met with the Town Manager and discussed the possibility of such a project. Mr. Earp stated that during this meeting, Mr. Steve Smith, Town Manager, assured him that the Yanceyville Town Council was committed to working with the County in an effort to extend a waterline to Prospect Hill in order to accomplish job retention, address contamination issues, and provide water service to that part of the County.

Mr. Earp stated that extending the waterline to Prospect Hill with the Town of Yanceyville as the water source is one option, while another option would be to try to put together a package where wells are dug and a holding tank is constructed for Royal Park Uniforms, but this does not address the contamination issues. Mr. Earp added that another option would be for the County to do nothing. Mr. Earp stated that the County needs to help Royal Park Uniforms and is requesting direction from the Board as to where to focus his efforts. Mr. Earp added that one way to do this is to develop a plan and explore funding options for such a project with the Town of Yanceyville serving as the water source.

Commissioner Hooper stated that in discussing this project, there was a proposal whereby the County could possibly receive twenty-five percent of the revenues. Mr. Earp answered that in talking with the Town Manager, an Interlocal Agreement would have to be developed between the County and the Town and there would be a plan for the sharing of revenue.

Commissioner Lucas asked who would own the waterline. Mr. Earp answered that this is something that would need to be determined, but there are options. Mr. Earp noted that the maintenance of the line is very costly and does require labor. Mr. Earp added that when the line ages out, there will be maintenance upkeep and replacement monies required.

Chairman Battle asked who would use the waterline. Mr. Earp answered that water service would be available to anyone along that route who would prefer to hook onto the waterline. Chairman Battle stated that, in essence, the County would be getting into the water business. Mr. Earp stated that, unlike the Providence water project, this would behoove the County to get into the water business, either to some extent with the Town of Yanceyville, or on its own. Chairman Battle stated that there are a lot of issues that would need to be discussed with the Town of Yanceyville if the County decided to pursue this.

Commissioner Lucas stated that it would be very prudent for her if the Board had clear documentation on the amount of contamination that has been identified, documentation to show the extent of the contamination, and the true need for that waterline to go in that

direction, other than Royal Park Uniforms. Mr. Earp clarified that Royal Park Uniforms is one of the County's largest employers in the County and they are under mandate from the NC Department of Insurance to install a fire suppression system, and if this is not done, according to the President of Royal Park Uniforms, the County may lose them.

Commissioner Lucas asked the County Manager if he has explored funding options. Mr. Earp answered that because of the many factors that they are trying to solve, there are several pools of money from which they can draw. Mr. Earp stated that one option is the NC Department of Commerce to address job retention. Mr. Earp added that the contamination issues can be addressed the same way as the Providence project, as well as Rural Development. Mr. Earp stated that the County could apply for a Community Development Block Grant to improve the status of low-income housing.

Commissioner Lucas noted that the County Manager had informed her that there was not an urgent need right now as far as the insurance rating for Royal Park Uniforms. Mr. Earp clarified that this is correct because Royal Park now has a new insurance carrier, but the urgency comes in with the NC Department of Insurance and the lack of a fire suppression system. Commissioner Lucas stated that Royal Park Uniforms has also been working with the Prospect Hill Fire Department to try to get them at a point where they are categorized later. Commissioner Lucas added that the Prospect Hill Fire Department has been working closely with Royal Park Uniforms and has in place a four-inch waterline that will go to a lake which is in close proximity to Royal Park. Commissioner Lucas stated that the urgency for Royal Park Uniforms is not there right now. Mr. Earp added that he disagrees with this. Commissioner Lucas stated that she would like to see the plan which was proposed three years ago of digging a well and erecting a water tank brought back to the Board.

Commissioner Travis stated that the Board could not wait until the day that the water is needed and added that he felt the waterline would take care of a lot of people. Commissioner Travis added that he felt the Board should work with the Town of Yanceyville and come up with a plan and start on this.

Commissioner Ward stated that he agrees with Commissioner Travis that the Board should try to work with the Town of Yanceyville and try to get the waterline run.

Commissioner Lucas noted that water contamination is not limited to Prospect Hill, there are other areas in the County that have contamination, and the County needs to look at getting into the water business.

Chairman Battle directed the County Manager to gather as much information as possible to be presented to the Board and then they will give him some direction.

RESOLUTION DECLARING OCTOBER 2, 2004 AS BIG SWEEP 2004 DAY

Mr. Jeff Earp, County Manager, reported that he received a request from Mr. Forrest Altman, one of the Coordinators of the Big Sweep 2004 Project in Caswell County, that

the Board of Commissioners adopt a Resolution declaring October 2, 2004, as Big Sweep Day. Mr. Earp stated that passage of the Resolution would show the support of the Board of the Big Sweep effort and would, hopefully, encourage citizens to participate. Mr. Earp added that Mr. Altman also suggested that the Board consider changing the landfill hours that Saturday to an 8:00 AM opening and a 3:00 PM closing in order to accommodate citizens that participate. Mr. Earp noted that Mr. Altman has also requested that the Board waive fees for trash collected as part of the Clean Sweep Project.

After further discussion, Commissioner Lucas moved, seconded by Commissioner Hamlett to adopt the following *Resolution Declaring October 2, 2004 as Caswell County Big Sweep 2004 Day*, to reschedule the hours of the landfill on that day to open at 8:00 AM and close at 3:00 PM to accommodate citizens' participation, and to waive fees for trash collected as part of the Clean Sweep Project on that day. The motion carried unanimously.

**CASWELL COUNTY
RESOLUTION
DECLARING OCTOBER 2, 2004 AS
CASWELL COUNTY BIG SWEEP 2004 DAY**

WHEREAS, Caswell County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and

WHEREAS, trash fouls our waterways as well as our landscapes; and

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and

WHEREAS, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes.

NOW, THEREFORE, BE IT RESOLVED that the Caswell County Board of Commissioners, meeting on September 7, 2004, does hereby declare October 2, 2004, as

CASWELL COUNTY BIG SWEEP 2004 DAY

in Caswell County, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

ADOPTED THIS THE 7TH DAY OF SEPTEMBER, 2004.

S/M. O. Battle

M. O. Battle, Chairman

Caswell County Board of Commissioners

ATTEST:

S/Wanda P. Smith

Wanda P. Smith

Clerk to the Board

**RESOLUTION REQUESTING A MAPPED AND SIGNED BIKE ROUTE SYSTEM
FOR CASWELL COUNTY AS AN INDEPENDENT BICYCLE TIP PROJECT**

Mr. Jeff Earp, County Manager, asked that the Board consider adopting a Resolution that requests a Mapped and Signed Bike Route System for Caswell County as an independent bicycle Transportation Improvement Program Project. Mr. Earp stated that by adoption of the Resolution, the Board would be requesting that the NC Department of Transportation create a bicycle map for Caswell County. Mr. Earp added that this would allow cyclists to have a dedicated route through the County and noted that signage would be placed along the route.

After further discussion, Chairman Battle moved, seconded by Commissioner Travis to adopt the following *Resolution Requesting a Mapped and Signed Bike Route System for Caswell County as an Independent Bicycle TIP Project*. The motion carried unanimously.

RESOLUTION

The Caswell County Board of Commissioners hereby requests a mapped and signed bike route system for Caswell County as an independent bicycle TIP Project. By this resolution, the Caswell County Board of Commissioners agrees to support adoption by the North Carolina Department of Transportation's (NCDOT) Transportation Improvement System (TIP) in accordance with the requirements of the Program.

S/M. O. Battle

Mel O. Battle

Chairman, Caswell County Board of Commissioners

September 7, 2004

Date

APPOINTMENTS TO BOARD OF HEALTH

Commissioner Lucas read a portion of the General Statutes that governs the appointment of Board of Health members. Commissioner Lucas noted that a current member is now serving in the Licensed Physician position, but with the current makeup of the Board of Health, this individual could be shifted back to the General Public position in order to continue her term.

Commissioner Ward moved, seconded by Commissioner Travis to nominate Ms. Edith Totten, Dr. Charles Cuono, and Ms. Peggy Baldwin to the Board of Health.

Commissioner Lucas moved, seconded by Chairman Battle to nominate Dr. Charles Cuono, Dr. Jack Turner, and Ms. Peggy Baldwin to the Board of Health.

The Clerk to the Board stated that she has been unable to contact Dr. Cuono to determine that he has a medical license to practice in North Carolina.

Chairman Battle called for a vote on Dr. Charles Cuono, Dr. Jack Turner, and Ms. Peggy Baldwin. The following votes were cast:

Battle
Lucas

Chairman Battle called for a vote on Ms. Edith Totten, Dr. Charles Cuono, and Ms. Peggy Baldwin. The following votes were cast:

Hamlett
Hooper
Travis
Ward

Upon a majority of the vote, Ms. Edith Totten, Dr. Charles Cuono, and Ms. Peggy Baldwin were appointed to the Board of Health.

Commissioner Lucas stated that with the difficulty the County experiences in getting individuals to serve on Boards and Committees, she felt that it was remiss that two physicians applied for appointment to the Board of Health and this did not take place.

APPOINTMENT TO CIVIC CENTER COMMITTEE

Commissioner Hamlett moved, seconded by Commissioner Travis to appoint Ms. Donna P. Pointer to the Civic Center Committee. The motion carried unanimously.

APPOINTMENT TO HYCONEECHEE REGIONAL LIBRARY BOARD

Commissioner Lucas moved, seconded by Commissioner Travis to appoint Ms. Deanene H. Deaton to the Hyconeechee Regional Library Board. The motion carried unanimously.

APPOINTMENT TO JUVENILE CRIME PREVENTION COUNCIL

Commissioner Hamlett moved, seconded by Commissioner Travis to appoint Ms. Carmen Graves to the Juvenile Crime Prevention Council. The motion carried unanimously.

APPOINTMENTS TO PLANNING COMMITTEE FOR SERVICES TO THE ELDERLY

Chairman Battle moved, seconded by Commissioner Hamlett to appoint Ms. Jean Vernon, Mr. John Foster, Ms. Inez Blackwell, Mr. Philip Brown, and Ms. Dorothy McCain to the Planning Committee for Services to the Elderly. The motion carried unanimously.

APPOINTMENTS TO SENIOR CENTER ADVISORY COMMITTEE

Commissioner Hamlett moved, seconded by Commissioner Travis to appoint Mr. Robert Satterfield, Ms. Jean Vernon, Mr. Charles Eakin, Ms. Edith Gentry, Ms. Marie Leathers, Ms. Inez Blackwell, Ms. Betty Jean Blackwell, Ms. Shelby Jean Badgett, and Mr. O. M. Dabbs, Jr. to the Senior Center Advisory Committee. The motion carried unanimously.

APPOINTMENT TO SOCIAL SERVICES BOARD

Chairman Battle moved, seconded by Commissioner Travis to appoint Ms. Ethel B. Gwynn to the Social Services Board. The motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Jeff Earp, County Manager, reported that he has received a request from Ms. Rosa Carrington, Section 8 Housing Program Director, to remove some trees from the Section 8 parking lot and that others be trimmed back. Mr. Earp stated that the trees are very large and during the last winter's ice storms and the latest wind storms, the limbs from the trees have been breaking and falling into the parking lot and onto vehicles parked there. Mr. Earp added that this project will cost approximately \$2,000 and could be funded out of the appropriated Maintenance budget. Mr. Earp noted that he obtained three quotes and Holbrook Tree Expert had the lowest cost of \$2,000. Mr. Earp recommended that the Board approve this request. After discussion, Commissioner Hooper moved, seconded by Commissioner Ward to accept the recommendation of the County Manager and approve the request from the Section 8 Housing Program Director for the removal and trimming of trees in their parking lot as presented. The motion carried unanimously.

Mr. Earp reported that there has been a climate control problem at the 911 Communications Center in keeping the room temperature at 75 to 78 degrees. Mr. Earp noted that the problem is caused by heat produced by the electronics and CAD System that are located there. Mr. Earp stated that in order to protect the investment made in the new CAD System and provide the staff with a comfortable working environment, the heating/cooling system needs to be enhanced. Mr. Earp reported that after discussions with Brady Controls, Superior Heating/AC, and Dallas Powell Heating/AC, he felt that the best and most cost effective alternative would be to install zone control heating/AC in that part of the building. Mr. Earp provided the Board with three quotes that ranged from \$6,400 to over \$13,000. Mr. Earp reported that he has discussed this issue with Mr.

Vernon Massengill, 911 Board Chairman, and it is his feeling that this can be paid for from 911 Funds. Mr. Earp recommended that the Board allow him to contract with Dallas Powell Heating/AC and that this project be paid for out of 911 Funds upon 911 Board approval. After discussion by the Board, Chairman Battle stated that he felt that the 911 Board needed to review these quotes, decide which one they want, and make a recommendation to the Board of Commissioners.

Mr. Earp reported that he received information from the UNC School of Government concerning a one-day seminar on "Performance Measurement in Local Government" which will be held on Friday, October 1, 2004 at the School of Government in Chapel Hill. Mr. Earp stated that the cost would be \$85 per participant and encouraged the Board members to attend this along with him.

Mr. Earp reported that the North Carolina Association of County Commissioners in conjunction with the North Carolina Cooperative Extension, North Carolina State University, and A&T State University have put together a group that is developing a Memorandum of Understanding. Mr. Earp stated that the draft provided to the Board does have some changes from the current Memorandum of Understanding.

ANNOUNCEMENTS/QUESTIONS

Chairman Battle requested that the County Manager explain to him the overtime accrued for the Board of Elections in the month of August, 2004. Mr. Earp answered that the overtime was due to the primary and second election. Chairman Battle asked that the County Manager explain to him the overtime procedures for the Board of Elections in terms of hours and when it starts. Mr. Earp answered that he has been told that the overtime occurs from 5:00 p.m. to the time the polls close, and then the counting and reporting statistics creates more overtime. Chairman Battle questioned the need of 51 hours of overtime for one individual, especially with such a small voter turnout. Chairman Battle instructed the County Manager to check further into this matter. Chairman Battle also questioned overtime by EMS personnel and certain deputies.

Chairman Battle stated that as brought up previously by Commissioner Hall, he felt that the Gasoline Report should not be compiled if it does not contain accurate information. Mr. Earp stated that there is a formula that was given to the Finance Office to figure mileage and they are not receiving accurate information. Mr. Earp explained the current process. Chairman Battle stated that the Gasoline Report needs to be revised or no longer compiled.

Chairman Battle stated that it is the Board's policy to send a plant upon the death of a former Commissioner; however, the family of C. B. Rowland, former Commissioner has requested that in lieu of flowers, that donations be made as a memorial to their church. Chairman Battle added that this could be done individually or collectively, but he preferred that the donation be made collectively. The Board agreed to collectively make a donation in memory of Mr. C. B. Rowland.

Commissioner Lucas stated that earlier when Mr. Melvin Butler, Planning Board Chairman spoke concerning the status of the Planning Board zoning plans for the County she asked him whether they plan to proceed based on current use or future use. Commissioner Lucas referred to the July 27, 2004 Planning Board's minutes and read the following excerpt, "The Board's response was overwhelming in preference for basing zoning on current land uses. Mr. Rhodes indicated that most counties chose this route, as it was more straightforward and less complicated". Commissioner Lucas stated that she would reiterate this to Mr. Butler.

Commissioner Lucas stated that the tax bills just went out and she received three complaints over the weekend concerning the method of mailing. Commissioner Lucas added that one individual told her that his tax bill was \$1,400 and he would certainly like to have his tax bill mailed in an envelope. The Board agreed to discuss this further in budget sessions for next year.

Chairman Battle questioned the status of the Tax Office reconfiguration. Mr. Earp answered that progress is being made on this project.

Commissioner Lucas questioned the status of scheduling in the Building Inspections Office. Mr. Earp answered that the Chief Building Inspector is working within a 24 to 36 hour schedule. Upon questioning from Commissioner Lucas, Mr. Earp answered that the Building Inspections Office is now fully staffed.

Mr. Earp introduced Ms. Nichole McLaughlin who was recently appointed as the County's Human Resources Officer.

CLOSED SESSION

Chairman Battle moved, seconded by Commissioner Travis that the Board enter into closed session to preserve the Attorney/Client privilege (NCGS 143-318.11(a)(3)). The motion carried unanimously.

REGULAR SESSION

Chairman Battle moved, seconded by Commissioner Hamlett to resume regular session. The motion carried unanimously.

DAN RIVER WATER PROJECT

Commissioner Hooper moved, seconded by Commissioner Travis that the Board of Commissioners meet with the Town of Yanceyville and try to work out each paragraph as listed in a letter to him from the Town Attorney so that the two governing bodies could work together.

Commissioner Lucas stated that she would like to recall for everyone that when the Board of Commissioners wanted to sit down and discuss with the Town of Yanceyville issues of mutual concern and when the topic of the Interlocal Agreement on Farmer Lake

came up, Yanceyville Town Attorney instructed the Town Council not to speak to any of this while there was pending litigation. Commissioner Lucas added that unless the Board is prepared to drop this litigation, there is no need to sit down and talk with the Town of Yanceyville. Commissioner Lucas stated that she thought that this shows weakness on the part of the Board of Commissioners and the Board needs to move forward with its appeal and let the Courts decide. The motion was defeated by a tied vote of three to three with Commissioners Battle, Hamlett, and Lucas voting no.

BOARD PROCEDURES

Chairman Battle stated that there are several Board procedures that need to be reviewed in December.

THE ADJOURNMENT

At 8:35 p.m. Chairman Battle moved, seconded by Commissioner Hamlett to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

M. O. Battle
Chairman
